

CHAPTER FOUR

FOOD¹

Everyone has the right to have access to sufficient food. The state must respect, protect, promote and fulfil this right and should thus take reasonable legislative and other measures, within its available resources, to achieve their progressive realisation.²

POLICY MEASURES

Summary of responses

National Level

The National Department of Agriculture (hereinafter National DoA) and National Department of Health (hereinafter National DoH) were required to provide information on the policy measures instituted to respect, protect, promote and fulfil the right to sufficient food. The questions also requested the departments to state the reasonableness and effectiveness of policies in progressively realising the right to have access to sufficient food. The impact the instituted policy measures had in providing access to sufficient food for vulnerable and previously disadvantaged groups, such as people living in rural areas, informal settlements, female-headed households, the aged, persons with disabilities, poor households, women, children and previously disadvantaged racial groups needed to be outlined.

The National DoA instituted the Food Policy in May 1998 as its central policy measure for the realisation of the right to have access to sufficient food. The policy is a product of an inter-departmental committee that was convened by the National DoA and included the DoH, the Department of Welfare, the Department of Water Affairs and Forestry, the Department of Trade and Industry, farmers' organisations and non-governmental organisations.

The Food Policy focused on food insecurity, food nutrition, employment creation, income generation, food production, food distribution process, food affordability and food import. One of the aims of the document is to identify rural people who are affected by food insecurity. The policy document also addresses food security for rural people and other vulnerable groups by providing food support, income support, food production, job and income creation, and aims to improve food distribution in rural areas.

¹ The analysis of the responses is based on information received from government departments, and thus it sometimes differs for the provinces.

² Section 27(1)(b) and (2) of the *Constitution*, Act 108 of 1996.

The Food Policy was reasonable and effective in that the policy enabled a better understanding of the complex and complicated nature of the right to food. The policy measure was effective in that direct income and food support was available to small groups for a short time-span. For larger groups of people who are susceptible to food insecurity the policy offers capacity building. Generally the impact of the policy on vulnerable groups was seen as being slow.

The National DoH responded within the context of improving the nutritional status of all South Africans.³ The National DoH acknowledged that adequate nutrition is a basic human right and a prerequisite for the attainment of people's full intellectual and physical potential.

The Integrated Nutrition Programme (INP) is the central programme utilised by the Department as part of primary health care to improve the nutritional condition of South Africans. The INP addresses nutritional problems via direct and indirect nutrition interventions and provides appropriate nutrition education and promotion to all people. The INP focused on:

- Disease-specific nutrition support and counselling
- Growth monitoring and promotion
- Nutrition education and promotion
- Food supplementation/feeding
- Micronutrient Deficiency Control
- Nutrition management of diarrhoeal and other infectious diseases
- Food Service Management
- Community-based nutrition development

For the respect, protection, promotion and fulfilment of the right to sufficient food, the National DoH developed and implemented the following measures:

- Broad Guidelines for the Implementation of the INP.
- Health Facility-based Nutrition Intervention Guidelines.
- National Breastfeeding Guidelines for Health Workers and Health Facilities.
- Policy Guidelines and Recommendations for Feeding of Infants of HIV positive mothers.
- Growth Monitoring and Promotion Guidelines.
- Guidelines for Parasite Control.
- Conditions for the use of INP Conditional Grant Allocation.

Although specific policy measures have not been formally evaluated by the National DoH, they have contributed to the progressive realisation of the right to sufficient food. For instance, the Broad Guidelines for the Implementation of the INP created an awareness of sound nutrition as a basic human right and as an integral component and

³ Whilst the right to have access to sufficient food for all South Africans is provided for in the Constitution (Section 27 (1) (c)), that of basic nutrition is extended only to children (Section 28 (1) (c)).

outcome measure of social and economic development. This measure also addresses the needs of vulnerable groups in a comprehensive and integrated manner.

The National Breastfeeding Guidelines for Health Workers and Health Facilities progressively realised the right to sufficient food. For instance, the annual National Breastfeeding Week created awareness on the protection, promotion and support of breastfeeding as a norm and motivated for health facilities to become baby-friendly. The policy resulted in practices and behaviours regarding breastfeeding in health care settings being monitored and good practices being encouraged.

The policy measure on the Guidelines and Recommendations for Feeding of Infants by HIV positive mothers facilitated an understanding of the issue. The Guidelines for Parasite Control prioritised the rights of children to survival, protection and development as expressed in the United Nations Convention on the Rights of the Child. The treatment of children exposed to parasites, and a survey in KwaZulu-Natal had commenced to collect baseline information concerning parasitic infections in the province.

The policy on the Health Facility-based Nutrition Intervention Guidelines offered direct and indirect nutrition interventions to vulnerable groups. The Growth Monitoring and Promotion Guidelines for Health Workers resulted in improved records of a child's health, nutritional status and development, and identification, referral and treatment of children who are malnourished or are at risk of becoming malnourished. The Growth Monitoring and Promotion Guidelines for Health Workers promoted the relationships between the health workers and parents/care givers of the children.

The vulnerable groups targeted by the INP includes children less than 60 months, especially malnourished children, pregnant women who are suffering from food insecurity and lactating women. Other groups targeted by the policy measure include persons suffering from chronic diseases of lifestyle or communicable diseases, at-risk older persons⁴, primary school children from poor household's and communities.

Regarding the reasonableness and effectiveness of the policy measures, the National DoH submitted that the Conditions for the use of the INP Conditional Grant Allocation⁵ enabled the department to actively initiate and fund activities and projects that would benefit target groups and not just primary school learners. The Primary School Feeding Programme although initiated and funded by the National DoH is however managed and co-ordinated by the National Department of Education.

Provincial Level

The Provincial Departments of Health (hereinafter DoH), Provincial Departments of Agriculture (hereinafter Provincial DoA) and Departments of Welfare (hereinafter DoW) were also requested to provide information on the policy measures or programmes

⁴ No explanation was given for the phrase 'at-risk older persons'.

⁵ This grant replaced the RDP Allocation for the Primary School Nutrition Programme in 1998/1999.

instituted for the progressive realisation of the right to have access to sufficient food. The reasonableness and effectiveness of the policies, and their impact on previously disadvantaged and vulnerable groups was supposed to be outlined. Different provincial departments, such as Agriculture, Health and Welfare, play a role in the provision of the right to have access to sufficient food.

The Western Cape DoH instituted the INP for the provision of the right to sufficient food, which is one of the measures instituted by the National DoH as mentioned above.

The Gauteng DoA instituted the Gauteng Farmer Settlement Programme (GFSP) and the Household Food Security Programme (HFSP). The GFSP was used to enhance the established smallholdings and commercial farmers' contribution to national food security, to promote skills transfer, to improve agricultural production and to promote full utilisation of available land for agricultural purposes'. The HFSP contributed to income generation through projects that promote the production and access of safe, affordable and nutritious food.

The HFSP enabled poor people to meet their household food needs through their own initiative. In this regard, the Gauteng DoA facilitates and creates an enabling environment through technical expertise and grants provision. Special considerations are given to all the vulnerable and previously disadvantaged groups as targeted beneficiaries of the programme. People living in rural areas were not yet benefiting from HFSP. The GFSP also provided extension services to resource-poor farmers in the rural areas. Both the GFSP and HFSP offer training, land and funds for production inputs to beneficiaries.

In KwaZulu-Natal the DoA instituted the Xoshindlala ('chase away hunger') Programme and White Paper on Agriculture as a means of providing the right to have access to sufficient food. The report also acknowledged the need for urban agriculture although no programme has been implemented. According to the report urban agriculture will assist in addressing the food needs of people living in informal settlements. The Department of Welfare (DoW) in KwaZulu-Natal provided information, which was irrelevant to the questions asked. The DoW of KwaZulu-Natal provided information on social assistance and relief.

The Mpumalanga DoW instituted the Poverty Alleviation, Poor Relief and Flagship programmes for the realisation of the right to have access to sufficient food. The report indicated that the programmes were effective in that several families were assisted. Through the Flagship programme, 46 women and 30 children were assisted. The report further mentioned that the Poverty Alleviation Fund funded 52 projects that were focusing on the disadvantaged groups.

The Northern Cape DoH provided information on the breastfeeding programme. This policy was introduced because the first form of food security for a newborn baby is breast milk, and the promotion of breastfeeding was the number one priority for the

department. The department to ensure that all mothers' rights to breastfeed are protected instituted this policy.

The Northern Cape DoH instituted the policy on the Provision of Food Supplements for vulnerable groups. The policy was meant to assist children who are at risk nutritionally as well as pregnant and lactating women. The policy provided pregnant and lactating women and children with access to food supplements in all the Primary Health Care (PHC) facilities and selected hospitals.

Another policy instituted by the Northern Cape DoH was on School Feeding for children from poor families. This policy targeted children from previously disadvantaged schools, which were in rural areas, farms and informal settlements. Through this programme children in the above mentioned schools received a daily nutritious snack.⁶ Food gardens were also established in the schools to supplement this snack.

The other measure introduced by the Northern Cape DoH was the Community-based projects for Food Security. The project was established as a means of addressing household food insecurity problems faced by women from poor households. These women were mobilised to set up food production projects as well as other income generating projects.

The Northern Province DoA instituted the policy on Rehabilitation of Non-productive and Under-performing Irrigation Schemes and the departmental policy on Food Security/Community Food gardens. A large part of the province is rural, therefore most policy measures focus on rural households. For people living in informal settlements, the aged and poor households', plans are still being developed to identify strategies and resources to address the needs of these categories. The Northern Province DoA stated that the food security projects and community agricultural development programmes have a special focus on women. The policy measure on Irrigation Schemes addressed the needs of persons with disabilities. The Northern Province DoA also stated that lessons learned from the implementation of this scheme would inform the Department's approaches that will be used with other people and communities. The department had also planned to develop a policy on Youth in Agriculture, which will be completed by March 2000.

The North West DoA reported that its vision and mission statements best illustrate its policy orientation and priorities. The department's vision states that farmers and farming communities need to contribute in sustaining food security and economic growth for the province. The North West DoA will achieve this through providing effective and efficient agricultural development services. The services will assist in broadening access to and promoting optimal utilisation of agricultural land, finance, markets, resources, technology and skills in a sustainable manner.

⁶ No explanation was provided for what the 'nutritious snack' was.

The Eastern Cape DoA and Free State DoA did not provide any information on policy measures instituted to respect, protect, promote and fulfil the right to have access to sufficient food.

Commentary

National Level

The report from the National DoA was brief and failed to capture all the issues related to the right to have access to sufficient food. For example, the report should have elaborated on the Departments' responsibility within the inter-departmental committee. Furthermore, the Department should have elaborated on the effectiveness and reasonableness of the policy in providing for the right to have access to sufficient food.

Other sources indicate that the National DoA's policy on food security was based on poverty alleviation with specific emphasis on rural development and small-scale farming.⁷ This policy is compliant with the commitments of the Rome Declaration on World Food Security and World Food Summit Plan of Action.⁸ Although South Africa has been meeting its food consumption requirements via domestic production, between 30 to 50 % of the population has insufficient food or an imbalanced diet due to low incomes. Hence programmes addressing food security are meant to have direct benefits (food support) and indirect benefits (job creation). Small-scale farming is seen as a means of both increasing the availability of safe and nutritious food, as well as broader economic benefits associated with sustainable livelihoods. The National DoA aims to ensure that female-headed households shall have at least equal access to programmes.

Small-scale agriculture was also seen as a means of both creating employment and improving food security amongst previously disadvantaged groups. The DoA intended to increase the number of small and medium scale farmers through initiatives in six areas.⁹ The first area was ensuring that agricultural research is more accessible. The second area was about reforming agricultural extension services in terms of advice, technology and training. The third area of concern was on improving accessibility to rural finance, this includes policy and legal guidelines to the Land Bank, and guidelines for the operation and monitoring of a rural financial system. Fourthly to encourage farmer co-operatives and development partnerships aimed at moving away from subsidising farmers' organisations towards self-reliance amongst farmers' organisations that provide technical and managerial support to small-scale farmers via development co-operatives. Fifthly offer special support for small-scale livestock farmers, this would

⁷ National Department of Agriculture. *Agricultural Policy in South Africa. A Discussion Document.* (1998) 7-9.

⁸ Commitment Two states "We will implement policies aimed at eradicating poverty and inequality and improving physical and economic access by all, at all times, to sufficient, nutritionally adequate and safe food and its effective utilisation" in the 'Rome Declaration On World Food Security And World Food Summit Plan Of Action' at <http://www.fao.org/wfs/policy/english/96-3eng.htm>;

⁹ National Department of Agriculture. *Agricultural Policy in South Africa. A Discussion Document.* (1998) 37-64.

entail range management in communal areas and advisory services for health and welfare of small stock. Lastly the concern was about restructuring agricultural parastatals¹⁰ to stimulate private sector investment in rural areas and improve their value to small-scale farmers.

The transformation of agricultural parastatals was based on three principles. Firstly, assets will be sold at market or productive values to the community with the government becoming a shareholder where communities cannot afford to purchase these assets. Ownership of assets shall only be transferred once a business plan and a partnership between the community and the private-sector investor organisation are in place. Secondly, the restructuring of the agricultural sector must benefit local communities. Finally, unviable projects will be shut down rather than refurbishing projects for potential new owners. Eligibility to purchase will be based on:

- The most directly involved, the most needy, and the community as a whole should benefit.
- Whether the potential beneficiaries have the necessary skills, economic resources and expertise to manage the project.

Whilst the submission by the National DoA centred on increasing food security amongst rural households and the poor, there are other areas that the Department needs to address. Firstly, the National DoA must institute measures to ensure that food is safe at all stages of the food chain.¹¹ Secondly, details of guidelines and objectives of the Food Policy document should be elaborated upon. For example, the criterion used for food support has to be provided.

The report by the National DoH report demonstrates a good understanding of the right, as well as the challenges that have to be addressed to realise both the right of access to sufficient food and that of basic nutrition for children. Also, the Department should be praised for implementing measures to promote the right to basic nutrition to all South Africans, and not only to children as per constitutional provisions.

Whilst the information provided on policy measures implemented was extensive, the National DoH needs to ensure that the measures instituted achieve the desired objectives. Although preliminary outcomes of the measures were provided, detailed data needs to be gathered on the progressive realisation, reasonableness and effectiveness of the policy measures. The major groups that have benefited from the INP appear to be children and pregnant women. With the INP Conditional Grant Allocation affording the National DoH the capacity to address the needs of all target groups rather than only primary school learners, more measures need to be introduced to ensure that the Department extends the right to other specific target groups.

¹⁰ There are 400 of these Government subsidised bodies.

¹¹ SAHRC *International Consultative Conference on Food Security & Nutrition as Human Rights. Conference Proceedings Report. 25-27 March 1999.* (2000) 122.

The National DoH acknowledged that malnutrition in South Africa is manifested in both undernutrition and overnutrition.¹² INP policy measures provided by the Department indicate a thorough understanding of the problems of malnutrition and stunting in children undernutrition. However, the DoH has implemented inadequate measures to address the problem of overnutrition that leads to obesity.

Provincial Level

Policy measures stated in the provincial reports were merely stated without explaining what they entailed, how they would achieve the objectives and whether they have been successful. Most reports declared that measures instituted addressed the needs of vulnerable and previously disadvantaged groups without explaining to what extent those designated groups benefited. For instance, the Gauteng Department failed to indicate what training it offered for the HFSP and the GFSP and the production inputs thereof. The same happened for KwaZulu-Natal DoA, where it failed to elaborate on how both the Xoshindlala and the White Paper assisted in realising the right of access to sufficient food with respect to the vulnerable and previously disadvantaged groups within the province. Annual reports for other provinces were unavailable, hence additional information could not be found for those provinces.

The annual report from Eastern Cape indicated that the Department of Agriculture and Land Affairs had instituted policies and programmes to address food security. Food security in the province is the responsibility of the Veterinary Services Directorate of the Agriculture and Land Affairs Department and is administered by an interdepartmental task team.¹³ The following programmes and projects are aimed at addressing food security in the province:¹⁴

- Agricultural and Land Reform programmes helped expand the farming sector, improve food production and living conditions for people in rural areas.
- Extension Services¹⁵ were established by the Department together with the Presidential Project Team. A total of 7 Farmer Support Centres were established to facilitate and improve the ability of farmers to increase agricultural production levels and improve the quality of produce. The Department estimated that 28 districts will be served and 3 893 farmers' villages will benefit.
- Through the Grant Assistance Programme R6,4 million of the budget of R9 million provided by the National DoA was utilised to assist small scale farmers. The money assisted 479 small-scale farms, of which 253 were poultry farms and 109 were community gardens.
- Veterinary Services, these included a Primary Health Care Programme and a Tuberculosis Eradication Campaign aimed at ensuring both food security through

¹² The impact of undernutrition is dealt with in '5. Outcome Measures' below.

¹³ Eastern Cape Department of Agriculture and Land Affairs. *Annual Report*. (1999) 5-6 at <http://www.ecprov.gov.za/documents/report/2000/annual.htm>

¹⁴ Ibid, 7-26.

¹⁵ See '1 Policy Measures' for initiatives used by the National DoA to increase the number of small and medium scale farmers.

livestock disease control, and also maintaining the Province's status as one of the major exporters of animal and animal products.

- Specialised programmes for Women such as the Women in Agriculture Organisation and the Women in Agriculture and Development have been established to empower women through training, with the long-term goal of increasing food production at a local and regional level. Memberships of these organisations are over 500 each and members are involved in various projects including vegetable projects.
- Specialised programmes for Youth attempt to get youth involved in agriculture at an early stage, with the aim of eradicating poverty and securing food for children from poor families. There are over 1 600 children participating in 4-H clubs, and the projects entail vegetable, fruit, poultry, homecraft/leather work and piggery.

The Northern Cape DoH failed to explain the procedure followed to establish food gardens and no details were provided on how the Community-based Food Security projects were set up and to what extent the projects were helpful in providing food security were not provided by the Northern Cape DoH.

Recommendations

- When policy or programmatic measures are stated by the departments specific details such as the objectives, what is the measure trying to address and whether it is effective on the intended beneficiaries needs to be clearly outlined.
- The departments need to demonstrate the sustainability of these measures.
- The reports should also reflect on the shortcomings of the stated policy measures, and corrective measures that would be implemented.
- The period in which the policy measures were instituted needs to be clearly stated.
- The reports should reflect all the pertinent issues that relate to the right to have access to sufficient food.
- Reasons should be provided for failure to respond to some of the questions asked in the protocol.

LEGISLATIVE MEASURES

Summary of Responses

National Level

The National DoA and the National DoH are amongst the bodies that are responsible for the monitoring and implementation of the right to adequate food.

In terms of the report from the National DoA, there were no specific legislative measures instituted for the right to sufficient food because existing legislation addresses this right. The Department asserts that passing legislation has problematic implications for the state if the right to food is not realised.

The Directorate for Nutrition in the National DoH has reported that there are no legislative measures instituted for the right to sufficient food.

Provincial Level

The reports from the provinces indicate that majority of the provinces have not instituted legislative measures during the period under review. The provinces Eastern Cape, Free State and North West did not submit their reports. Gauteng Province made reference to Gauteng Farmers Settlement and Household Food Security Programmes approved by Gauteng Legislature. Mpumalanga Province made reference to Social Assistance Act 59 of 1992.

Commentary

National Level

International human rights law recognises the right to food or sufficient nutrition.¹⁶ It is noted with content that the National DoH interprets the right to sufficient food from a broader concept of nutrition. However, the report does not provide sufficient information as requested in the protocols. All questions were uniformly answered by indicating that the Directorate Nutrition has not instituted any legislative measures. The whole report is not useful for the evaluation process.

The DoH has a central role to play in ensuring the realisation of the right to sufficient food. There are other responsibilities of the Department, which are inherently linked to the right to food. According to Devenish,¹⁷ “easy access to clean and hygienic water, by its very nature, is a critical factor in relation to both nutrition and personal hygiene, therefore without it, the right to food is worthless.” All these factors constitute health and well being of the human person. The Department is supposed to play a leading role, considering the inherent link between its responsibilities. The Department has also omitted to reflect on the primary school nutrition program¹⁸ as provided in the National Health Act of 1998.

The quality of the report is poor because there are no answers provided for the protocol questions, except the restatement of those questions. This points out that there is lack of appreciation and comprehension of the right to sufficient food. The Directorate for Nutrition is supposed to operate within a constitutional framework that warrants the passing of legislation that will advance the progressive realisation of the right to adequate food.

¹⁶ See, *inter alia*, Article 25 of the Universal Declaration of Human Rights and Article 11 of the International Covenant on Economic, Social and Cultural Rights.

¹⁷ See GE Devenish. *A Commentary on the Bill of Rights* (1999) 366.

¹⁸ In the introduction of the report, the right of every child to basic nutrition is confirmed but it is not deliberated on what measures were taken to progressively realise this right.

The information provided in the report from the National DoA is not sufficient in terms of the questions in the protocol. Since the Department maintains that existing legislation is sufficient to address the right to sufficient food, the report should have explained which laws those are, and what impact they have had on the progressive realisation of the right. Despite the existence of these laws, the Central Statistical Services¹⁹ has estimated that about 2.5 million South Africans are undernourished, particularly the previously disadvantaged groups and other groups that are especially vulnerable. Mere mention that there are laws addressing the problem does not help the monitoring process and therefore defeats the constitutional mandate according to Article 184(3) of the Constitution.

The protocol questions were in the main not answered. For example, information on special considerations for vulnerable and previously disadvantaged groups was not provided. It is also not clear from the report whether there was progressive realisation of the right occasioned by the alleged existing legislative measures. The assertion that passing legislation will result in problems for the state is unfounded. The constitution does not require immediate realisation, but a progressive realisation based on the availability of resources. The only way in which the Department can experience problems is when it does not take reasonable measures as required by the constitution.²⁰

The constitution requires the institution of measures to *respect, protect, and promote* and *fulfil* all the rights in the Bill of Rights. Therefore, those legislative measures that are referred to as sufficient to address the right to sufficient food should account for these four core minimum obligations. If the report is silent about those legislative measures, then it cannot be determined whether there are measures that are sufficient in meeting the constitutional obligations. The report could have mentioned, for example, the Land Bank Amendment Act 1998, which enables previously, disadvantaged people to apply to the Land Bank for loans to assist them in planting crops.

The quality of the national report is poor on account of its failure to provide detailed information. The poor quality also depicts poor understanding of the right to sufficient food. The State is obliged to take specific legislative measures to realise this right, not just some legislative measures that are deemed to be addressing the right to sufficient food. The obligation to provide access to food means that the state must ensure the production and maintenance of a sufficient supply of food so that access to food is possible.

Provincial Level

It is disconcerting to learn that provinces are generally not committed to the realisation of the right to adequate food. This is shown by failure of the provinces to submit their reports. According to the National Action Plan for the Promotion and Protection of Human Rights, the Eastern Cape Province, for example, is one of the areas with acute

¹⁹ See the October Household Survey, Central Statistical Services (1994).

²⁰ Section 27(2) of the Constitution, Act 108 of 1996.

poverty, with a poverty rate of 70%. This presupposes a massive scarcity of food in the province. As such, the provincial government is faced with a mammoth task of improving the conditions in the province. This is particularly disturbing when it has been stated that along with the Northern Province and the Eastern Cape, the Free State Province, with a stunting rate of 28.7%, is one of the Provinces with the highest food insecurity and malnutrition.²¹ Failure to submit a report indicates that there is no sufficient understanding and appreciation of the right to sufficient food. It also constitutes a violation of a constitutional obligation to provide information to the South African Human Rights Commission in terms of section 184(3) of the Constitution.

The GFSP and HFSP programmes, as mentioned in the Gauteng Report, are not legislative measures, despite the fact that the Provincial Legislature has approved their implementation. They are policies instituted by the Department. The Constitution requires not only policy measures to be instituted, but also legislative and other measures. Since GFSP and HFSP do not have the force of law, they cannot execute the protective constitutional obligation for the protection of the right.

There is clearly a need to address the poverty and malnutrition prevalent in the province by legislative measures. The National Action Plan stresses the need to address the needs of those who have been deprived of access to food for children who are stunted by malnutrition and children who die of hunger.²² It is the primary duty of the State to create an enabling environment through which individuals are able to secure their own food needs. The provincial governments are not absolved from this constitutional duty. The national legislation should be seen, as setting a standard that should be followed by the provincial departments depending on their various regional backgrounds. It is unreasonable to think that national legislation can uniformly address provincial problems.

Recommendations

- The departments should comply with the protocol as a matter of law. The monitoring process is a constitutional mandate, and therefore should be complied with.
- The departments should play an integral role in the realisation of the right to sufficient food and other inherently related services such as clean water, healthy environment and general hygiene.
- The departments should develop specific legislative measures for the realisation of the right to sufficient food. The challenges regarding the right to sufficient food as outlined in the National Action Plan should as well be considered when laws are made.
- The monitoring process is a constitutional mandate, and therefore should be complied with.

²¹ South African Situation Analysis – South African Government Department of Health – International Consultative Conference on Food Security and Nutrition as Human Right – Conference Proceedings Report p. 60

²² National Action Plan for the Promotion and Protection of Human Rights p. 109

- The departments should in future provide details about all those laws that deal with the right to sufficient food. There should also be some explanation as to why such laws are regarded as sufficient to address the right to sufficient food. This will also enhance the quality of the report.
- The right to food should be interpreted as a right on its own as provided in the constitution. The fact that it has been grouped with other rights in section 27 does not make it any less important. The departments should also reckon the challenges outlined in the National Action Plan for the Promotion and Protection of Human Rights. The government should consider the adoption of a framework law as an instrument in the implementation of the national strategy concerning the right to food. This framework should outline its purpose, set targets and goals (benchmarks) to be achieved, as well as means and timeframes for the achievement of those targets.²³
- The State should therefore design a proper agricultural production laws and regulations that are necessary for enforcement.
- The right to sufficient food is inherently linked to other rights such as clean water and social assistance. Failure to protect the right to sufficient food will affect the realisation of these other rights.

MONITORING

Summary of Responses

National Level

The government departments were requested to provide information on the minimum standards established to define the right of access to sufficient food. The minimum standards were supposed to be on the specified minimum consumption per day and the minimum level of income needed to purchase this much food. The Departments were also required to provide the statistics collected and how these statistics were collected.

The National DoA in responding to the question on the minimum standards established to define the right to sufficient food stated that according to the Food Policy 2 000 kcal/day²⁴ was the minimum consumption per day.

The DoA responded to the question on statistics collected to monitor the progressive realisation of the right to food, by stating that data from Statistics South Africa and those by the Anti-Poverty Study Report from the office of the President were used. Data collected included information on hunger maps, household income, rural and urban job

²³ This is one of the general comments adopted by the Committee on Economic, Social and Cultural Rights at its twentieth session in May 12, 1999. Though South Africa is not a party to the Covenant on Economic, Social and Cultural Rights, the comments made by the committee are instructive for the progressive realisation of the right to sufficient food. For further discussion, see General Comment No. 12 (1999) as adopted by the Committee on ESCR regarding Article 11 of the Covenant.

²⁴ One kilocalorie is equal to approximately 4,2 kilojoules.

opportunities, and food price indices. Such data is collected through surveys and secondary reports.

Information provided by the National DoH indicated that the household members have access to food needed for a healthy and active life. The minimum standard for dietary needs was defined as two thirds of the recommended dietary allowance for nutrients. The report indicated that two thirds of the recommended energy intake are the minimum standards.

Table 4.1: Specified minimum consumption per day

Category (Years)²⁵	Average energy allowance Kcal/day
Infants 0.0 – 0.5 0.5 – 1.0	650 850
Children 1-3 4-6 7-10	1,300 1,800 2,000
Males 11-14 15-18 19-24 25-50 51+	2,500 3,000 2,900 2,900 2,300
Females 11-14 15-18 19-24 25-50 51+	2,200 2,200 2,200 2,200 1,900
Pregnant Women 1 st trimester 2 nd trimester 3 rd trimester	+0 +300 +300
Lactating Women 1 st 6 months 2 nd 6 months	+500 +500

Other indicators used by the Department as minimum standards and criteria to monitor the right to sufficient food include the following:

²⁵ The Department did not indicate whether the category falls under weeks, months or years. The Commission has therefore used its discretion to the infant category and has categorised it as years.

- Number of children under two years of age receiving growth monitoring and promotion at least four times per year²⁶
- Number of infants who are exclusively breastfed was from 4-6 months whilst infants of 12 months are still breastfed.
- Number of children under five years of age inflicted with stunting²⁷ and wasting.
- The essential elements of nutrients and vitamins including Vitamin A, iron and iodine; and
- The number of trained personnel.

The data collected was obtained through Primary School Feeding Projects and Community-Based Nutrition Development Projects including Poverty Alleviation Projects. The DoH also used financial indicators such as expenditure versus cash flow plan and budget, Integrated Nutrition Programme (INP) and Reconstruction and Development Programme (RDP) indicators to monitor progressive realisation of this right.

The INP was used to collect specific indicators, which included the total number of primary schools, and those targeted for school feeding. The Community-Based Nutrition Development Projects collected data on specific indicators such as the total number of targeted vulnerable communities where projects were operated. Other indicators collected were the total number of community-based nutrition development projects planned and the beneficiaries targeted and reached by these projects.

The RDP specific indicators used by the Department were the estimated number of jobs created in terms of standard labour practices and the number of compensated and non-compensated community members participating in primary school feeding intervention activities. Other RDP indicators used included the number of micro, small and medium product and/or service provider enterprises contracted for primary school intervention activities.

Information on primary school feeding projects and community-based nutrition development projects was collected through questionnaires. These are completed and collated at different levels by implementing agencies such as project committees, schools governing bodies, NGOs/CBOs, district, regional or provincial staff of provincial DoH. The report indicated that for monitoring and planning purposes, information is forwarded to the National DoH.

Provincial Level

The DoA in the Eastern Cape and Free State, the Mpumalanga DoW and the Department of Health and Welfare in the Northern Cape did not provide information for the monitoring section on the right to sufficient food. The Northern Province DoA reported that it relies on data from the DoH (DoH). The statistical data used in the

²⁶ The DoH did not indicate how it monitors growth and promotion.

²⁷ Stunting: height for age under 2 standard deviations of the norm.

province was from the annual agricultural production levels, whereas 'yield data' was collected by extension services. The DoA North West reported that it did not have standards and criteria used to monitor the right to food. The Western Cape DoA calculated the minimum consumption of Kcal/day by using information from recommended dietary intakes for ages, sex and activity. The level of income is calculated annually using the minimum households' subsistence level.

The Gauteng DoA stated that there were no specified minimum requirements to indicate when the right to have access to sufficient food was realised. Poor households²⁸ have access to safe and nutritious food. Financial input needed to start the group projects was R3 000 per beneficiary. The Gauteng DoA indicated that data is collected from projects and weekly, monthly and quarterly progress reports. Departmental officials who have direct contact with beneficiaries collect these statistics. Officials are responsible for compiling weekly, monthly and quarterly reports.

The DoA in KwaZulu-Natal reported that the specific consumption per day was dependent on the age and gender of a person. The minimum income needed to purchase this much food was defined nationally as the "household subsistence level"²⁹ which was the minimum acceptable income for a family of 5. For Data collected for monitoring the right to have access to sufficient food, the Department stated that Key Performance Indicators (KPI) are in the process of being defined which will allow monitoring of achievement of food security.

Commentary

National Level

The report from the National DoA was poor in that a detailed account on the minimum standards established was not provided, implying that measures for monitoring the right of access to sufficient food were not in place. The DoA should have provided specific details in terms of the food groups/ nutrients, which are essential for a 2 000 kcal/day diet. The DoA should have indicated the major nutrients that make up 2 000 kcal/day to ensure proper development of the body. Nonetheless, other sources reveal that the daily value for carbohydrates used in nutritional labelling was 60% of the total calories, which translates to 300 grams per day for a 2 000 kcal/day diet.³⁰

The DoA did not provide information on the minimum income level required to purchase this minimum food. In its report the DoA acknowledged that the amount of R800 per month used by the labour movement is regarded as the average minimum wage required to purchase 2 000 kcal/day. It was also not indicated in the submission whether the amount provided was sufficient for each household to purchase food. Where this amount was deemed inadequate for the vulnerable and previously disadvantaged

²⁸ The Gauteng DoA did not indicate what it means by 'poor households'.

²⁹ The Kwa-Zulu-Natal DoA did not indicate what it means by 'household subsistence level'.

³⁰ Nutrient information at <http://www.nutrition.org/nutiinfo/content/carb.shtml>. 1. The website was visited on the 10/05/2000.

groups, the DoA ought to have provided information on alternative measures and activities instituted in order to ensure that vulnerable groups also enjoy the right to sufficient and healthy food.

The Department failed to indicate how it monitors its progressive realisation of the right of access to food, because statistics provided to monitor progress on this right were not defined in detail. The report also did not indicate how the Department assesses the needs of the vulnerable groups. This should have been reported on in order to determine whether the vulnerable groups are taken into consideration. The Department was therefore expected to provide a complete report on the right to sufficient, nutritionally adequate and safe food and its effective utilisation.³¹

The National DoH's report was adequate in that the Department provided a thorough account of the measures taken for the progressive realisation of the right to food. The format of the protocol has been adhered to. The report indicated the specified minimum consumption of 2 000kcal/day, it failed to mention if this was adequate for an adult, a child or both. With regards to the 1st trimester for pregnant women no figure was provided on the average energy intake. The National DoH did not indicate the minimum level of income needed to purchase this food.

The statistical data collected by the National DoH was not sufficient in terms of providing a detailed explanation on how information was used to monitor the progressive realisation of the right of access to food. Various statistics and relevant information on this right has been collected, but the National DoH failed to indicate how it hopes to achieve progressive realisation of the right to sufficient food. The National DoH did not indicate how the vulnerable groups mentioned would benefit from the programmes mentioned in the report.

The National DoH also did not define some of the terms and abbreviations used in the report, such as SD thus some statements were difficult to understand. The National DoH should have reported on how it plans to monitor progressive realisation on the right to sufficient food.

Provincial Level

Most of the provincial Departments failed to provide minimum standards used to monitor the right to have access to sufficient food. The problem about the lack of information stems from the unclear mandate as to which Department is actually responsible for monitoring the provision of the right to food. The information provided by Gauteng, KwaZulu-Natal and Western Cape Departments indicated that the Departments do not collect the same statistical data, as a result standards used were different for the provinces.

³¹ FAO Agriculture and Economic Development Analysis Division, Economic and Social Development. Implementation of the World Food Summit Plan of Action. (1996) 24 in FAO of the United Nations. ***The Right to Food in Theory and Practice.*** (1998).

Recommendations

- The provincial departments should ensure that the reports are adequate and detailed enough to allow for proper assessment of the situation in the provinces concerning the right to food.
- Development of common standards and criteria in defining and monitoring the right to have access to sufficient food is necessary and important in order to assess progressive realisation of the right to food.
- Where additional information is available from the departments, it should be provided to assist in the evaluation process.

BUDGETARY MEASURES

Summary of Responses

National Level

The departments were requested to provide information on the budgetary allocation for the resources instituted to respect, protect, promote and fulfil the right of access to sufficient food.

The National DoA reported that information on the budget was not available in the format requested in the protocols. However, the Department's expenditure was geared towards income generation, increased production, enhancement of productivity, increasing of competitiveness and facilitating entry into agricultural markets which all have a direct impact on food.

The National DoA further stated that budgetary allocations are targeted at youth, women and people who earn below a certain income level, people who possess assets below a certain level, and produce less than a certain quantity. The levels and assets were not explained.

The National DoH reported that budgetary measures on the right of access to sufficient food would be in respect of the Integrated Nutrition Programme (INP), Conditional Grant Allocation³² and the Poverty Alleviation Projects.

The total Conditional Grant Allocation for 1998/99 was R525, 7 million of which 89% (approximately R465, 9 million) was allocated to projects for school feeding. Of the total amount allocated, R331, 6 was spent at R68.00 per capita. The allocation to the school-feeding programme amounted to 8.22% of the total departmental budget. This project is managed and co-ordinated by the Department of Education and in 1998 reached 5.2 million children in 14 000 schools nation-wide.

³² The Conditional Grant Allocation replaced the RDP Allocation for the Primary School Nutrition Programme in the 1998/1999 financial year.

Note should be taken that although in the previous financial year the Conditional Grant Allocation for the Integrated Nutrition Programme (INP) was less (R 496 million), the entire amount was allocated to the school feeding projects. However approximately R134 million was not spent for the reporting period. Reasons why the total allocation was not spent were not provided.

For Poverty Alleviation Projects R28 million was allocated for 1998/99 with R2,4 million going to actual projects. This allocation comprised 0.04% of the total departmental budget.

The National DoH also reported that the budgetary measures target women, children, the aged, and people living in rural areas, informal settlements and the disabled. The National Directorate of Nutrition was in the process of compiling geographical statistics on the provinces to establish areas of greatest need. This information about the population and poverty gap would be used to allocate the budgetary provisions for the provincial Health Departments.

Provincial Level

The Eastern Cape DoA did not provide any information on the budget allocation for the right to have access to sufficient food. The report only acknowledged that the Department was responsible for food security and self-sufficiency. There was no response on the right to have access to sufficient food from the Departments of Agriculture, Social Welfare and Health of the Free State province. The Gauteng Department of Agriculture, Conservation and Environment did not respond to the questions on budgetary measures instituted for the right to sufficient food. The Mpumalanga DoW did not provide information on this section but referred the Commission to the Department of Health of the province.

The KwaZulu-Natal DoA reported that the main source of funding is the State Expenditures' Provincial Budget allocation. For other sources of funding there are grants which the Department received from the National DoA. The funds received were as follows:

Table 4.2: Grants received from the National DoA by the KwaZulu-Natal DoA

Year	Amount	Expenditure
1996 - 1997	R56.2 million	R31 million for drought relief carried over from 1995/1996 R19.7 million for flood relief R5,5 million for special projects

For the year under review no money was received from grants administered by the National Department. The KwaZulu-Natal DoA received extra funds from the KwaZulu-Natal Provincial Treasury as a conditional grant for the Xoshindlala ('Chase away hunger') programme. This money will be distributed as follows:

Table 4.3: Conditional Grants from the KwaZulu-Natal Provincial Treasury

Year	Amount
1999 - 2000	R46.7 million
2000 - 2001	R39.6 million
2001 - 2002	R56.4 million

On spending for the realisation of access to food supplies the Department provided the following information:

Table 4.4: Spending to Realise Access to Food supplies

Year	Spending in Rands to realise access to food supplies	Allocation per capita in Rands after adjusting for inflation	Allocation as a % of the departments spending
1996 – 1997	309 541 000	32.36	100%
1997 – 1998	343 998 000	35.96	100%
1998 – 1999	243 264 000	25.43	100%
1999 – 2000	337 082 000	35.24	100%
2000 – 2001	361 962 000	37.81	100%

Based on a family size of six, the Department estimated that there are about 400 000 rural households in KwaZulu-Natal that make a living partly from agriculture. The majority of these households are emerging farmers. A considerable amount of money amounting to 57.8% of the expenditure was spent on emerging farmers. Whereas 35% was spent on emerging and commercial farmers and only, 7.2% of the money was spent on commercial farmers projects.

Table 4.5: Budget Allocation for the Department of Welfare and Population Development in KwaZulu-Natal

Year	Spending in R 000's to realise access to food supplies	Allocation as a % of the department's spending
1996 - 1997	5 050	0.15%
1997 - 1998	4 500	0.12%
1998 - 1999	1 724	0.04%
1999 - 2000	5 750	0.15%
2000 - 2001	5 862	0.15%

With the assistance of the district offices the Department is able to provide people that are in dire need of food supplies with food vouchers that can be used to purchase basic food that will sustain them over the immediate period in question. However such assistance is reportedly extremely limited due to the lack of funds as displayed by the table above. The report stated that demand is greater than the supply and as such assistance is given very selectively, based on the funds available.

The Northern Cape Department of Health and Welfare provided information on the departmental spending on the right to food as summarised in the table below:

Table 4.6: Budgetary Allocation for the Right to Food

Year	Spending to realise access to food supplies	Allocation as % of department's spending
1998 - 1999	R13 279 000	3.7%
1999 - 2000	R10 435 000	2.9%
2000 - 2001	R10 096 000	2.7%

The North West Department of Agriculture, Conservation and Environment provided information on the departmental spending on the right to food as summarised in the table below:

Table 4.7: Budgetary Allocation for the Right to Food

R's (actual and projected)	Spending to realise access to food supplies	Allocation per capita after adjusting for inflation	Allocation as a per cent of the GDP	Allocation as a per cent of the Department's spending
1996-1997	10 078 736	2 882	45,1	2,7%
1997-1998	21 132 353	5 855	93,0	7,0%
1998-1999	26 997 383	7 249	113,8	13,8%
1999-2000	17 228 862	4 626	72,7	8,1%
2000-2001	6 000 000	1 611	22,7	2,7%

The budget allocations were meant specifically for the most vulnerable and previously disadvantaged. The aim is to redress the imbalances of the past. All the Field Service units of the Department target all people living in rural areas, the categories include most of the vulnerable and previously disadvantaged groups. The North West DoA has a special unit named the Kgora Institute, which was created to deal specifically with women, youth and food security, especially for poor households.

The information on the budget allocation provided by the Northern Province DoA, Land and Environment in the table below, was meant for agriculture (food included), land and environmental projects.

Table 4.7: Budget Allocation for the Northern Province DoA, Land and Environment

Year	Budget allocation in R' millions	Personnel cost for the whole department in R millions
1996 - 1997	R540	R258
1997 - 1998	R486 (plus Environment which is R74)	R347
1998 - 1999	R436 (plus Environment which is R80)	R413
1999 - 2000	R448 (plus Environment which is R85)	R450
2000 - 2001	R537 (anticipated)	R460 (estimated)

With regards to the disadvantaged and vulnerable groups the Department reported that due to the rural nature of the province, it has mainly focused on the rural households. Food security projects and community agriculture development programmes have specifically focused on women. The disabled are catered for through an irrigation scheme, which assists persons with disabilities.

The Western Cape Department received conditional grants from the National DoH together with the provincial allocation. The budget catered for Integrated Nutrition Programme activities and did not deal specifically with food. The information provided on the budget allocation was for the year 1999/2000 and it showed that conditional grants amounted to R27,5 million. Provincial allocation for the same period was R21,4 million and funds for Poverty Alleviation were R2,2 million. In terms of the measures taken to progressively realise the right to sufficient food for the disadvantaged and vulnerable groups, the report said that the policy instituted benefited the poor who have limited access to food.

The Free State Departments of Agriculture, Social Welfare and Health, which were sent the protocol on the right to food, did not respond.

Commentary

National Level

The DoA did not give an adequate response to the questions asked on budgetary measures. The protocols did permit the Departments to give additional information. The Department should have provided the information using their own format as suggested in the protocol.

Information on budgetary measures taken in support of the activities mentioned such as the enhancement of productivity, increasing of competitiveness and facilitating entry into the agriculture markets would have been useful in terms of assessing the provision of the right to have access to sufficient food. The development of sustainable agriculture is

integral to food security. The DoA should have reported on whether any measures have been taken in these respects and the impact of these measures on the realisation of the right to have access to sufficient food.

Although the Department's budgetary policies were said to target certain vulnerable groups, no explanation was provided on what income or level of production entitles an individual to food security and assistance in terms of facilitating entry into the agricultural markets.

Other sources stated that the DoA reported that it recognised the importance of incomes to food security and refers to the deregulation of the domestic market, improvement of efficiency in the agricultural systems, from production to storage, to processing and distribution as some of its main goals. This would make food more affordable and maximise agriculture's direct contribution to employment, enabling more people access to income through jobs, which was fundamental for food security, especially for previously disadvantaged households.³³ The Department was further able to use this trade policy as a tool for attaining food security now that there has been a fundamental change in the market. Changes in trading policies have enabled the country's production system to be more efficient and has resulted in the reduction of the general level of food prices.³⁴

The National DoH has given a reasonable response on budgetary measures taken to ensure access to sufficient food, especially since it reported within the context of improving the nutritional status of people in the country. It however failed to report on other aspects that require attention such as nutrition for non-school going children and for older children and adults particularly the homeless, those in informal settlements and rural areas, pregnant and lactating mothers and the elderly who are not at risk. The Department should have also reported on the budgetary measures that have been instituted to combat malnutrition in children and nutritional deficiencies in general.

Provincial Level

The Eastern Cape Department claimed to be responsible for food security and self-sufficiency, it failed to provide information on the money spent on those programmes. It is disconcerting to note that the Department had a responsibility of providing food security and self-sufficiency and yet did not have a budget for it.

Information from the Gauteng annual report indicated that the Department spent approximately R5, 8 million on the Household Food Security and Poverty Alleviation projects.³⁵ This money was spent on food security, income generation, agricultural training, improving access to safe nutrition, and making food prices more affordable for

³³ SAHRC *International Consultative Conference on Food Security and Nutrition as Human Rights – Conference Proceedings Report 25-27 March 1999*. (2000) 67.

³⁴ *Ibid.*

³⁵ Gauteng Department of Agriculture, Conservation and Environment, *Annual Report*. 1999.

about 180 000 households.³⁶ No explanation was given to indicate the way in which the projects improved access to safe nutrition. Most of these projects mainly targeted women, the youth and the disabled. Information on the extent of the involvement and benefit for women, the youth and disabled in these projects was not provided.

From the information provided the KwaZulu-Natal DoA showed a decrease of about 10 % in the budgetary allocation for the year 1998/1999. No reasons were provided for the reduction in the budget. The last column in table 4.4 shows that there was a misunderstanding on the part of the officials who were responding to the protocols. It is not clear how much money from the total departmental budget was spent for food. The KwaZulu-Natal DoW should have provided more details on the criteria used to award people with food vouchers and the system used to distribute such vouchers.

Although the Northern Cape Department responded to some of the questions in the protocol, the report did not give a comprehensive account on how the vulnerable and previously disadvantaged groups benefited from the budget allocated for the realisation of access to food supplies. The budgetary provision of access to food consumes a small part of the Departments' budget (3.7%), thus signifying that it was not a major expenditure item for the Department. Other reports indicated that an amount of R350, 7 million was made available for health services, which represented an increase of 8% on the corresponding amount for 1997/98. Included in the allocation for 1998/99 was money to fund Primary School Nutrition Programmes (R9 million).³⁷ The information provided in the report did not indicate whether Primary School Nutrition Programmes are included in the budgetary allocation.

The DoA of the North West reported that the Kgora Institute was founded in order to help women and youth from poor households. No explanation was provided as to how this institute was going to assist in providing food security. Other sources indicated that an amount of R13, 4 million had been set aside for the establishment of five Community Production Centres in the rural areas.³⁸ The centres would offer users training on micro-enterprises, production facilities, raw materials (fresh produce) and post start-up counselling³⁹.

The Western Cape Department's response failed to provide a breakdown on the budgetary allocation for the right to have access to sufficient food. There was no clear indication of how much money was allocated for providing access to food. The Department should have provided information on the extent to which the programmes assisted women and people with disabilities. A large portion of the Department's budget was used for personnel rather than on actual projects.

Most of the responses from the provincial departments provided insufficient information and some provinces such as the Western Cape provided information for the year

³⁶ Ibid.

³⁷ http://www.finance.gov.za/b/budget_98/prov/northcape/speech.htm, site visited 09/05/2000.

³⁸ http://www.finance.gov.za/b/budget_98/prov/noweprov/speech.htm, site visited 12/05/2000.

³⁹ No explanation was provided as to what post start-up counselling is.

1999/2000 only. The reasons for the failure to respond adequately were not provided by any of the Departments.

Recommendations

- The departments must collate information on budgetary allocation for the right to sufficient food separately from other programmes for them to be able to respond adequately.
- The departments need to provide the % of budget allocation for food as compared to the total departmental budget. This would show whether food security consumes a major part of the budget or not.
- Reasons for variances in the budget allocation need to be provided.
- Mechanisms used to decide on which disadvantaged or vulnerable group will receive assistance need to be outlined.
- The extent to which the disadvantaged and vulnerable groups are positively affected by the budget allocation needs to be mentioned.
- Measures taken to provide food for the homeless, non-school going children, older children and homeless adults need to be stated.
- The Northern Province DoA needs to distribute the budget equally for programmes and personnel.

OUTCOME MEASURES

Summary of Responses

National Level

The National DoA did not provide any information for the questions posed in the outcome section of the protocol on the right to have access to sufficient food. The report stated that such detailed information was not available. The National DoH acknowledged that there was an estimated 39 % of the population vulnerable to food insecurity. The National DoH reported that a survey was conducted using indicators on food security. However the report was embargoed, and would only be made available later in the year. The National DoH provided only information on the number of families/persons assisted with access to food supplies. The information provided was in respect of 17 community-based nutrition pilot projects, which were implemented during the financial year. This information indicated that about 183 women, 215 children under the age of two years, 253 pre-schoolers and 4,9 million primary school learners were assisted with access to food supplies.

Provincial Level

The Eastern Cape, Free State, and Western Cape Department's did not provide information as requested in the protocol. Similarly no responses were received from the

Departments in Mpumalanga on the outcomes section. The DoA in KwaZulu-Natal did not provide any information but stated that plans were underway to include families assisted with food supplies by the Department of Welfare and persons suffering from malnutrition from the Department of Health into the Department's Xoshindlala programme on a geographical basis.

The Gauteng DoA indicated that there were 141 Household Food Security (HFS) projects, each involving 30 direct beneficiaries on average.⁴⁰ The HFS projects were directed at urban black residents of Gauteng. The number of vulnerable groups assisted by the HFS projects was 60 women; 35 men; 5 youth and 2 people with disabilities.

In the Northern Cape Department approximately 160 000 people (about 20% of the population) were suffering from diseases caused by malnutrition. In response to the number of persons assisted with access to food supplies, the Department reported that 150 000 people were assisted for the reporting period of 1998/1999.

The Northern Province DoA said that other Departments, such as Health or Welfare should provide the information required, whereas the North West DoA did not respond to the protocol on the right to access to sufficient food. No explanation was given for non-submission.

Commentary

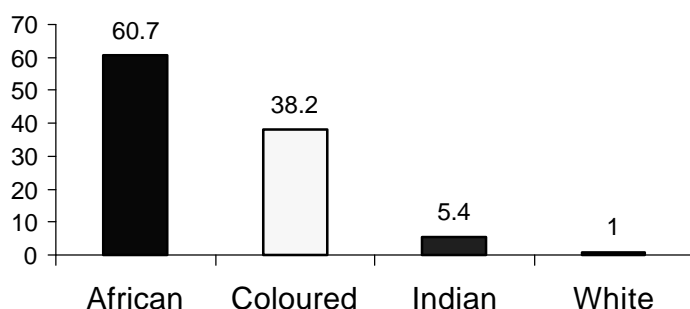
National Level

The lack of information by the National DoA was unjustifiable, as the information required from the protocol was fundamental in assessing whether the right to have access to sufficient food was being realised. It is not clear how the Department monitors delivery of programmes in the absence of such information.

Whilst service delivery in apartheid South Africa was based on racial criteria, with the consequent perpetuation of socio-economic disparities extending to gender and geographical location, the current system was specifically directed at targeting those previously under-served groups. Hence specific information was requested on previously disadvantaged racial groups, female headed households, and rural people. It was difficult to comprehend how the Department aims to target these groups without being able to provide suitable indicators on the profiles of these groups. Regarding income levels for example, other sources indicate that poverty levels in South Africa still have a strong racial bias. The report on Poverty and Inequality in South Africa found that living standards are still closely related to race:

⁴⁰ See '1. Policy Measures' above for details on the Household Food Security Projects/Programmes.

Figure 4.1: Poverty Rate (as a %) by Population Group⁴¹



This situation is worsened by differences in poverty between the urban and rural populations. Half of the population live in rural areas, 71.6 % of rural people live in poverty, compared to the overall poverty rate of 49.9 % for the entire country.⁴² Food insecurity is closely related with poverty and poverty eradication is seen as being essential in improving access to food.⁴³

Despite the constitutional provisions for the right to food, vulnerability to food insecurity continues to impact on the lives of many South Africans. Approximately 14 million South Africans are vulnerable to food insecurity. It was estimated that about 2.5 million South Africans are malnourished. Food insecurity and malnourishment was highest in provinces with large rural populations, and also amongst the African population.⁴⁴ Information presented at the International Consultative Conference on Food Security and Nutrition as Human Rights in 1999 included:⁴⁵

- Approximately 53% of households earning less than R600 went hungry at least once a month.
- In urban areas, between 20%-26% of people reported experiencing hunger a few times a month in 1998; this response was 40% in informal settlements; in some urban areas, 5% of respondents report hunger on a daily basis.
- In rural areas, 45% of the population went hungry at least once a month and 17% at least once a week.
- It was estimated that 55 000 white farmers owned 102 million hectares of land, compared to 17 million hectares shared amongst 1.2 million micro farmers in the former homelands.

Although more than one in three South Africans are susceptible to food insecurity, the DoA has not provided an adequate submission on the rights concerning food. The brief

⁴¹ J May (ed.) *Poverty and Inequality in South Africa* (1998) 27.

⁴² *Ibid.* 29.

⁴³ FAO. *Rome Declaration On World Food Security And World Food Summit Plan Of Action*. (1996) at <http://www.fao.org/wfs/policy/english/96-3eng.htm>

⁴⁴ SAHRC *International Consultative Conference on Food Security & Nutrition as Human Rights. Conference Proceedings Report. 25-27 March 1999.* (2000) 60.

⁴⁵ SAHRC *International Consultative Conference on Food Security & Nutrition as Human Rights. Conference Proceedings Report. 25-27 March 1999.* (2000) 76-77.

situation analysis presented above suggests that food security is far from being realised.

The information provided by the National DoH on outcome measures was inadequate, and failed to comply with its obligations with respect to the right to have access to sufficient food. No indication was given as to how the estimation of 39% of South Africans being vulnerable to food insecurity was arrived at. The Department failed to provide information on the number of children who are vulnerable to food insecurity, and the number of children dependent on the Primary School Nutrition Programme (PSNP) to meet their minimum daily calorie requirements.

Other sources indicated that chronic malnutrition has resulted in the stunting of growth for one in four children under the age of six years in South Africa. Stunting of children from the poorest 20 % of households was estimated at 38 %, compared to the national figure of 23 %.⁴⁶ Indicators on the causes of malnutrition need to be researched by the DoH to maximise the effectiveness of programmes like the PSNP that aim to address food security and nutrition.

Interestingly, the DoH indicated that the minimum calorie consumption per day varied between 650 to 3 000 kilocalories depending on age.⁴⁷ According to the 1999 UNDP Human Development Report the daily per capita supply⁴⁸ of kilocalories in South Africa was 2 933.⁴⁹ This suggests that the *amount* of food available in South Africa was clearly sufficient to meet the minimum caloric needs for all South Africans despite over one-third of South Africans being vulnerable to food insecurity.⁵⁰

Information on the aged, poor households, people living in informal settlements, rural areas and female-headed households were not provided. The Department also failed to provide details about the community-based nutrition projects, including the communities and areas (rural areas and informal settlements) that the projects serve.

Provincial Level

Most provinces did not provide information as requested in the protocol. In the Free State the poverty rate is 63.4 %, which is significantly higher than the National figure of 49.9 %.⁵¹ As a result the nutritional status of children in the Free State as measured by indicators for wasting (4.5 %) was significantly worse than the national figure of 2.6 %.⁵² Yet the contribution to domestic production of food in South Africa by the Free State was one of the highest. The province accounts for 27 % of all grain produced in South

⁴⁶ J May (ed.) *Poverty and Inequality in South Africa* (1998) 117.

⁴⁷ See Table 1 in '3. Monitoring' above.

⁴⁸ Per capita supply represents the average supply available to the population as a whole and does not necessarily indicate what individuals consume.

⁴⁹ UNDP. *Human Development Report*. (1999) 213.

⁵⁰ SAHRC *International Consultative Conference on Food Security & Nutrition as Human Rights. Conference Proceedings Report. 25-27 March 1999*. (2000) 60.

⁵¹ J May (ed.) *Poverty and Inequality in South Africa* (1998) 27-29

⁵² See South African Health Review 1999 – Indicators at <http://hst.org.za/sahr/99/indic.htm>

Africa,⁵³ and is the major producer of white and yellow maize, at 42.6 % and 31.5 % respectively.⁵⁴

Gauteng has over 18 % of the South African population residing in the province with about 90% of the population living in urban areas.⁵⁵ A survey on public perceptions of the realisation of economic and social rights revealed that 5 % of metropolitan respondents reported hunger on a daily basis.⁵⁶

Failure to provide information from the KwaZulu-Natal Department made the evaluation of the right to have access to sufficient food extremely difficult and no reasons were provided for the omission. In KwaZulu-Natal, where an estimated 56.9 % of the population is classified as being rural,⁵⁷ poverty remains an impeding factor in realising socio-economic rights. The poverty rate of 51.9 % in the province was slightly higher than the national rate of 49.9 %.⁵⁸ However, the large rural population of the province indicated that there is a large % of rural 'poor', as the poverty rate in rural areas is more than double that of urban areas.⁵⁹ Therefore some 59.3 % of children in the province live in poor households.⁶⁰ It is a well-established fact that the incidence of illness and stunting amongst children from poor backgrounds is almost twice that of children from non-poor families.⁶¹ The consequences of abject poverty in KwaZulu-Natal necessitate that food security should be addressed as a priority.

The non-provision of information by the departments in Mpumalanga was unacceptable because it rendered the evaluation process impossible. The submission by the DoH in the Northern Cape was not satisfactory, as it did not provide all the required information in the outcomes section on the right to access to sufficient food. The Department failed

⁵³ Dept. of Agriculture, Free State Province. *Annual Report 1999/2000*. (2000) 17.

⁵⁴ See Crops and Markets No 900 at <http://www.nda.agric.za/>

⁵⁵ See Statistics South Africa 'Census in Brief, The People of South Africa, Population Census, 1996' at <http://www.statssa.gov.za/census96/HTML/CIB/Population/21.htm>

⁵⁶ SAHRC *Economic & Social Rights CASE Report*. (1998) 51

⁵⁷ See Statistics South Africa 'Census in Brief, The People of South Africa, Population Census, 1996' at <http://www.statssa.gov.za/census96/HTML/CIB/Population/21.htm>

⁵⁸ J May (ed.) *Poverty and Inequality in South Africa* (1998) 27-28.

⁵⁹ A detailed analysis of the term 'poverty' subscribed to in this evaluation is contained in J May (ed.) *Poverty and Inequality in South Africa* (1998) 26-27. In essence this follows the World Bank definition of poverty as 'the inability to attain a minimal standard of living' measured in terms of income (monetary) required to satisfy them.

The definition of 'poor' and 'ultra-poor' follows that of the Reconstruction and Development Programme (RDP): 'Poor' is defined as the poorest 40 % of households; 'ultra-poor' as the poorest 20 % of households. At the time of the RDP survey in 1995, these definitions meant that households who spend less than R352 per adult equivalent were poor households, and households who spend less than R194 per adult equivalent were regarded as ultra-poor households. Noting that the definition of 'poor' is based on households (poorest 40 %), this accounts for variances between the number of people and households; hence 50 % of the population (19 million people) are 'poor', living in 40 % of the poorest households; similarly, 27 % of the population (10 million people) are 'ultra-poor', living in the poorest 20 % of households.

⁶⁰ J May (ed.) *Poverty and Inequality in South Africa* (1998) 27-35.

⁶¹ *Ibid.* 35.

to provide information on what specific measures were implemented to address the needs of previously disadvantaged groups. Also, the poverty profile of the province was not provided, nor was the number of rural households without access to land for farming. Furthermore, the figure of 150 000 of the amount of people being targeted by food assistance appears to be an estimate. The Department needs to provide the actual number of people assisted with access to food supplies. With the Northern Cape representing almost 30% of the total area of the country,⁶² of which 96% of land was used for grazing,⁶³ food security for farm-workers should be a priority in the province. Remuneration for farm-workers remains disturbingly low,⁶⁴ therefore equity schemes, involving equity shareholding with farm-workers should be developed and community-based farms should be promoted.

Other sources indicate that in the North West there has been an increase from 40%-70% in the number of children benefiting from the Primary School Nutrition Programme (PSNP). There are now 334 500 children which were being fed daily through the PSNP in the province.⁶⁵

Notwithstanding the lower poverty rates and more favourable food security situation in the Western Cape as compared to other provinces, there exist niche groups that are particularly susceptible to food insecurity in the province. Whilst 11% of households in the province do not have access to adequate sanitation, the proportion of households in Khayelitsha (an informal settlement) that did not have access to water has actually increased from 2.9% in 1995 to 5% in 1999.⁶⁶ It has been argued that food security is dependent on the delivery of other socio-economic rights.⁶⁷ To this end, whilst the position regarding food security in the province was favourable, the administration in the Western Cape should be wary of complacency in light of the growing proportion of people living in informal settlements and the deterioration of delivery of some essential services.

Recommendations

- Relevant and correct information needs to be provided by the respective Departments.
- Suitable indicators need to be developed and utilised by the Departments of Agriculture, Health and Welfare to ensure that the rights concerning food are realised.

⁶² Statistics South Africa. *Census in Brief: The people of South Africa population census 1996*. (1998) Pretoria.

⁶³ National State of the Environment report at <http://www.ngo.grida.no/soesa/nsoer/issues/land/state.htm>

⁶⁴ SAHRC *International Consultative Conference on Food Security & Nutrition as Human Rights: Conference Proceedings Report. 25-27 March 1999*. (2000) 77.

⁶⁵ http://www.finance.gov.za/b/budget_98/prov/noweproprov/speech.htm.

⁶⁶ Cape Metropolitan Area State of the Environment on http://www.cmc.gov.za/peh/soe/water_2.htm

⁶⁷ For a detailed analysis of factors influencing food security, see SAHRC *International Consultative Conference on Food Security & Nutrition as Human Rights. Conference Proceedings Report. 25-27 March 1999*. (2000)

- The DoH needs to provide detailed information on the impact of the Integrated Nutrition Programme, as well as other programmes instituted by the Department to ensure that the right of children to basic nutrition is realised.
- The impact of the PSNP needs to be assessed.
- Strategies to improve food security for farm-workers must be identified and implemented.
- Food security is dependent on other socio-economic factors; an integrated approach needs to be developed, whereby the access to food is tied into other socio-economic programmes in the province.

LIST OF ABBREVIATIONS

DoA	Department of Agriculture
DoH	Department of Health
DoW	Department of Welfare
CBOs	Community Based Organisations
CRC	Covenant on the Rights of the Child
FAO	Food and Agricultural Organisation
GFSP	Gauteng Farmer Settlement Programme
HFSP	Household Food Security Programme
ICESCR	International Covenant on Economic, Social and Cultural Rights
INP	Integrated Nutrition Programme
NAP	National Action Plan
NGO	Non-governmental Organisation
PHC	Primary Health Care
PSFP	Primary School Feeding Projects
PSNP	Primary School Nutrition Programme
SD	Standard Deviation
RDP	Reconstruction and Development Programme
RtHC	Road to Health Chart
UN	United Nations
WFS	World Food Security

LIST OF INTERNATIONAL INSTRUMENTS

Convention on the Rights of the Child, United Nations General Assembly, 1989.
Covenant on Economic, Social and Cultural Rights, United Nations General Assembly, 1966.
Universal Declaration of Human Rights, United Nations General Assembly, 1948.

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